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### REMARKS

Claims 1-9, 11-14, and 16-24 are pending in the application. Claims 17-24 have been withdrawn from consideration as being directed to non-elected subject matter. Claims 1, 2, 11, and 16 have been amended to recite "the encryption information recorded on each disk is different," thereby overcoming the rejection under 35 USC 112, second paragraph. The amendments are fully supported by the application as originally filed.

Independent claims 1, 2, 11, and 16 each recite that encryption key data (the "encryption information") is recorded in a different format from user data, and the encryption key data is recorded by the same recording scheme as user data (see specification at page 32, lines 5-10), i.e., both the user information and the encryption information are recorded in "an identical kind of recording system."

As amended, independent claims 1, 2, 11, and 16 also each recite that the encryption information recorded on each disk is different. For example, as described in the specification, disk identification information is recorded in advance in an encryption data recording region 11 of a disk 1 (see page 14, first full paragraph; FIG. 1). This disk identification information includes "production number data and encryption key data" (page 14, first full paragraph), and is individually provided for each disk (see page 14, last two paragraphs). In other words, the encryption information is different for each disk, which can help prevent unauthorized copying (see page 14, last paragraph to page 15, first paragraph).

Claims 1-9, 11-14, and 16 were rejected under 35 USC §103(a) as being unpatentable over PCT Publication WO 00/07182 "as evidenced by" U.S. Patent 6,633,534 to Tosaki et al. (hereinafter collectively referred to as "Tosaki") in view of U.S. Patent 6,081,785 to Oshima et al. (hereinafter "Oshima"). Claims 1-6, 9, 11-14 and 16 were rejected under 35 USC §103(a) as being unpatentable over Tosaki in view of PCT Publication WO 99/38162 to Bar-on et al. ("Bar-on"). Claims 7 and 8 also were rejected over combinations of the above references. These rejections are respectfully traversed.

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The Tosaki, Oshima, and Bar-on references, whether taken alone or in combination, do not teach or suggest user information and encryption information recorded "in an identical kind of recording system," i.e., by the same recording scheme.

In Tosaki, encryption key data is recorded as prepits, based on the existence/absence and shape of a pit (see, e.g., column 2, line 49; and column 11, lines 13-15). User data is recorded as changes in an optical property of a recording film (see, e.g., column 11, lines 9-10).

Therefore, in Tosaki, the encryption key data and the user data are recorded using different recording systems or schemes. The different recording systems in Tosaki can prevent unauthorized copying because the encryption key data is recorded by a different recording scheme (prepit) than the user data (see column 3, lines 12-25).

On page 4 of the Office Action of 08/21/2006, it was admitted that Tosaki does not teach or suggest "that the encryption information is different for recording onto different disks."

The abstract of the Oshima reference was cited allegedly for teaching "different encryption information for recording onto different disks."

In Oshima, a Burst Cutting Area (or BCA) of an optical disk is provided with a bar code and a unique ID for each disk, and may further include cipher keys and decoding keys recorded individually in the BCA areas (see Oshima at column 1, lines 36-43). In Oshima, encryption key data is recorded as BCA, and user data is recorded as a pit (see column 2, lines 65-67). Therefore, the encryption key data and the user data are recorded using different recording systems or schemes.

Even if Oshima was somehow combined with Tosaki, the proposed combination would not teach or suggest a recording medium, method, or apparatus in which user information and encryption information recorded "in an identical kind of recording system," i.e., by the same recording scheme.

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Regarding the rejection of independent claims 1, 2, 11, and 16 over the proposed combination of Tosaki in view of Bar-on, on page 8 of the Office Action of 08/21/2006, it was admitted that Tosaki does not teach or suggest "that the encryption information is different for recording onto different disks."

In Bar-on, a DVD 12 is provided with a disk chip 16 which manages "access to the disk's content" (see Bar-on at page 3, lines 26-27; FIGS. 2 and 3). Thus, the encryption key data in Bar-on is recorded as an electronic security chip.

Although Bar-on is silent about a recording system/scheme for user data, if the recording scheme is the same as is generally used with DVDs and CDs, the user data would have a different recording scheme than the encryption key data.

Even if Bar-on was somehow combined with Tosaki, the proposed combination would not teach or suggest a recording medium, method, or apparatus in which user information and encryption information recorded "in an identical kind of recording system," i.e., by the same recording scheme.

To summarize, the Tosaki, Oshima, and Bar-on references, whether taken alone or in combination, do not teach or suggest at least that the encryption key data and the user data are recorded "in an identical kind of recording system," i.e., by the same recording scheme.

Moreover, even when the encryption key data and the user data are recorded in different formats, the purpose is to compensate for reproduction signal strength (Tosaki), to separate the encryption key data (Oshima), or to use a different storage medium (Bar-on). Thus, none of these references teaches or suggests that the two sets of data be in different formats to prevent the user from rewriting the encryption key data and thus prevent unauthorized copying.

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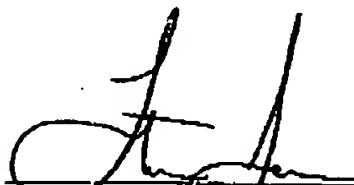
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It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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